

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CODY ROBERT HOFFMAN,

Case No. 1:22-cv-00060-JLT-SKO

Plaintiff,

ORDER TRANSFERRING CASE

v.

LATANYA TAYLOR LYLES and
LAZARO GUERRERA,

Defendants.

On January 13, 2022, Defendants Latanya Taylor Lyles and Lazaro Guerrero, appearing *pro se*, filed a Notice of Removal seeking to remove an unlawful detainer action from the Superior Court of California, County of San Joaquin. (*See* Doc. 1.)

Title 28 U.S.C. Section 1441 pertains to the removal of civil actions and states in pertinent part that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. 1441(a). Here, the district and division embracing the place where such action is pending

1 is the Sacramento Division of the United States District Court, Eastern District of California. *See*
2 E.D. Cal. Local Rule 120(d) (“All civil and criminal actions and proceedings of every nature and
3 kind cognizable in the United States District Court for the Eastern District of California arising in .
4 . . . San Joaquin . . . count[y] shall be commenced in the United States District Court sitting
5 Sacramento, California.”). Thus, this action should have been removed to the Sacramento, not the
6 Fresno, Division of this Court.

7 Local Rule 120(f) provides that a civil action that has not been commenced in the proper
8 division of the Court may, on the Court’s own motion, be transferred to the proper division of the
9 Court. Therefore, this action will be transferred to the Sacramento Division of the Court.

10 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

- 11 1. This case is transferred to the Sacramento Division of the United States District Court
12 for the Eastern District of California; and
- 13 2. All future filings shall refer to the new Sacramento case number assigned and shall
14 be filed at:

15 United States District Court
16 Eastern District of California
501 “I” Street, Suite 4-200
17 Sacramento, CA 95814

18 Defendants’ applications to proceed *in forma pauperis* (Docs. 2 & 3) remain pending.

19 IT IS SO ORDERED.

20 Dated: **January 18, 2022**

21 */s/ Sheila K. Oberto*
22 UNITED STATES MAGISTRATE JUDGE
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